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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| EXAMINER |
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SHELTON, BRIAN K

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| ART UNIT | PAPER NUMBER |
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2611

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/749,255

Applicant(s)

FLICKINGER, GREGORY

Examiner

Brian Shelton

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/16/04, 4/11/04, 6/7/04, 7/15/01, 7/11/02
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Action is in response to the Application filed 27 December 2000.
2. The Application has been examined. **Original claims 1-27** are pending. The rejections cited are as stated below:

Priority

3. Applicant's claim for domestic priority under 35 U.S.C. 119(e) to provisional application no. 60/238,056 is acknowledged. Accordingly, Applicant is afforded an effective filing date of October 5, 2000.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1, 7, 9, 10, 12, 19, 21, and 23-35** are rejected under 35 U.S.C. 102(e) as being anticipated by Alexander et al. (Alexander), U.S. Patent No. 6,177,931.

Regarding **claim 1**, Alexander discloses a method for enhancing the effectiveness of advertising by linking the display of IPG ads with the display of programming ads comprising: linking at least one IPG ad with at least one programming ad to form at least one IPG-programming ad combination; and displaying the IPG ad at least once in the IPG when the IPG is invoked immediately subsequent to the display of the programming ad (col. 26, line 61 – col. 27, line 2, where describing display of EPG advertisement correlated to broadcast advertisement when EPG is invoked immediately subsequent to display of broadcast advertisement. The display of an EPG advertisement related to a broadcast advertisement inherently discloses linking the advertisements to form an IPG-programming ad combination and the resultant display when the IPG is invoked).

As for **claim 7**, Alexander discloses said displaying of the programming ad or IPG ad is accomplished via IPG ad substitution at the subscriber premises (col. 34, lines 10-25, describing locally stored EPG ads).

As for **claim 9**, Alexander discloses the IPG ad is an interactive ad (col. 27, lines 40-47, describing display of web site data related to EPG advertisement; see col. 17, line 48 – col. 18, line 12).

As for **claim 10**, Alexander discloses the interactive IPG ad allows a viewer to request additional information regarding a particular linked IPG ad including directly accessing a website via an EPG ad (col. 27, lines 19-47; col. 17, line 48 – col. 18, line 12).

As for **claim 12**, Alexander discloses the IPG ad is displayed in the IPG when the IPG is invoked during the presentation of one of the programming ads col. 26, line 61 – col. 27, line 2).

As for **claim 19**, Alexander discloses an advertisement management system (AMS) for managing the scheduling, delivery and presentation, to television viewers, of both programming ads and IPG ads, and for linking the display of said ads to enhance the effectiveness of advertising campaigns comprising a linking module for linking at least one IPG ad to at least one programming ad forming an IPG-programming ad combination and a display module for coordinating the display of said linked IPG ad and programming ad in a temporally ad in a temporally linked fashion (col. 26, line 61 – col. 27, line 2, describing display of EPG advertisement correlated to broadcast ad displayed prior to entering EPG. Displaying an IPG ad correlated to a broadcast ad inherently discloses a an advertisement management system to manage advertisement data, a linking module to link the broadcast ad to the corresponding EPG ad, and a display module to display the linked EPG ad when

the EPG is activated immediately subsequent to display of the related broadcast ad).

Claim 25 is rejected for the same rationale as claim 19, above.

As for **claim 21**, Alexander discloses the linking module and display module resident on the subscriber's set-top box (see discussion above relative to claim 19; see also col. 33 line 44 – col. 34, line 25 describing ad selection and display procedures of the disclosed EPG occurring at the subscriber equipment (i.e., linking and display)).

As for **claim 23**, Alexander discloses said AMS includes a programming AMS (col. 32, lines 35-54, describing ad management (e.g., customizing presentation and scheduling) of telecast (i.e., broadcast programming advertisements) and an IPG AMS (col. 33, line 26 – col. 34, line 25, describing management of EPG advertisements based on viewer profile information), wherein the programming AMS and the IPG AMS are independent of one another (i.e., selection of programming advertisements and EPG advertisements are managed separately and do not depend on one another).

As for **claim 24**, Alexander discloses said AMS is a single integrated system (wherein the disclosed EPG comprises an integrated advertisement

manager) that manages both programming ads and IPG ads (col. 32, lines 22-60 managing scheduling and presentation of telecast ads)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 2-3 and 5-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (Alexander), U.S. Patent No. 6,177,931 in view of Hendricks et al (Hendricks), U.S. Patent No. 6,738,978.

As for **claim 2**, although Alexander suggests targeted advertisements, Alexander fails to specifically disclose wherein at least one of the IPG ads or at least one of the programming ads is a targeted ad, thus forming a targeted-IPG programming ad combination, as claimed.

However, Hendricks, in an analogous art, teaches targeted advertising wherein programming ads are targeted ads, and further, the targeted advertising routine incorporates subscriber groups with selected targeted advertisements assigned to groups of subscribers (Fig. 17; col. 35, line 65 – col. 36, line 28; col. 37, line 1 – col. 38, line 55) for the benefit of utilizing viewer demographic

information and viewing habits to determine those advertisements that are of the most interest to particular viewers (see col. 4, lines 48-51 and col. 5, lines 30-35).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the IPG-programming ad combination of Alexander to incorporate at least one of the programming ads is a targeted ad, thus forming a targeted IPG-programming ad combination, as taught by Hendricks for the benefit of utilizing viewer demographic information and viewer habits to determine those advertisements that are of the most interest to particular viewers in a television advertising system.

The limitation of **claim 3** is encompassed by the teachings of Alexander in view of Hendricks, as discussed above relative to claim 2. Specifically, Hendricks teaches assigning advertisements to at least one subscriber group, the subscriber group comprising at least one subscriber (col. 38, lines 15-36).

The limitation of **claim 5** is encompassed by the teachings of Alexander in view of Hendricks, as discussed above relative to claim 3. Specifically, Hendricks teaches discloses assigning programming ads to one or more subscriber groups (see Hendricks at (Fig. 17; col. 35, line 65 – col. 36, line 28; col. 37, line 1 – col. 38, line 55). Alexander discloses forming an IPG-programming ad combination when the broadcast ad is displayed and the EPG is invoked during the display of the broadcast ad (see Alexander at col. 26, line 61

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– col. 27, line 2). Thus, the IPG-programming ad combination is formed subsequent to the assignment of the programming ad to a subscriber group.

As for **claim 6**, the disclosure of Alexander is relied upon as discussed above relative to claim 1. Alexander fails the displaying of the programming ad or the IPG ad is accomplished via programming ad or IPG ad substitution upstream from the subscriber premises, as claimed.

However, Hendricks, in an analogous art, teaches programming advertisement substitution wherein the substitution occurs upstream from the subscriber premises (col. 38, line 56 – col. 39, line 9). Advertisement insertion where the substitution occurs upstream (i.e., at a headend) provides the typical and well-known benefit of reducing the complexity (e.g., cost) required in client terminals by performing program substitution at a central facility.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the programming ad display of Alexander to incorporate displaying of the programming ad is accomplished via programming ad substitution upstream from the subscriber premises, as taught by Hendricks, for the benefit of reducing the complexity required in client terminals by performing program substitution at a central facility in a television advertising system.

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8. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (Alexander), U.S. Patent No. 6,177,931 in view of Hendricks et al (Hendricks), U.S. Patent No. 6,738,978, as applied to claim 3, further in view of Esch, U.S. Patent No. 5,283,639.

As for **claim 4**, the teachings of Alexander in view of Hendricks are relied upon as discussed above, relative to claim 3. Alexander in view of Hendricks fails to disclose the targeted IPG-programming ad combination is formed prior to the assignment of the combination to one or more subscriber groups, as claimed.

However, Esch, in an analogous art, teaches combining elements (text, audio, graphic overlays, etc.) of an advertisement prior to assignment of the advertisement to a targeted group (col. 11, lines 11-66; col. 8, line 42 – col. 9, line 17). The process of combining elements with advertisement data is analogous to the claimed procedure for combining the IPG ad element with the broadcast ad element. The motivation to combine the above teaching of Esch is to customize advertising communications at a remote site to combine content data signal with locally (e.g., local broadcast facility) originated content data signals (see col. 1, lines 58-64).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the targeted IPG-programming ad combination taught by Alexander in view of Hendricks to incorporate the targeted IPG-programming ad combination is formed prior to the assignment of the

combination to one or more subscriber groups, as taught by Esch, for the benefit of customizing advertising communications at a remote site to combine content data signals with locally originated content data signals in a television advertising system.

9. **Claims 7-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (Alexander), U.S. Patent No. 6,177,931 in view of Hite et al. (Hite), U.S. Patent No. 6,002,393.

As for **claims 7 and 8**, the disclosure of Alexander is relied upon as disclosed above relative to claim 1. Alexander fails to disclose the displaying of the programming ad is accomplished via programming ad substitution at the subscriber premises, as claimed.

However, Hite, in an analogous art, teaches displaying programming ads comprising substitution occurring locally (i.e., at the subscriber premises) wherein the ad substitution process utilizes a local queue of advertisements resident on the subscriber equipment (Fig. 5 and col. 9, line 34 – col. 10, line 12 describing set-top box at subscriber premises; col. 12, lines 3-27, describing advertisement insertion wherein an Ad queue lists advertisements stored locally in Storage Device **551** of the set-top box) for the benefit of enhancing the effectiveness of advertisement insertion by facilitating the substitution of targeted commercials in

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live events where insertion opportunities occur at arbitrary intervals (see col. 12, lines 18-27).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the ad substitution of Alexander to incorporate said ad substitution is accomplished at the subscriber premises via a local queue of ads resident on a subscriber receiver, as taught by Hite, for the benefit of enhancing the effectiveness of advertisement insertion by facilitating the substitution of targeted commercials in live events where insertion opportunities occur at arbitrary intervals in a television advertising system.

10. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (Alexander), U.S. Patent No. 6,177,931 in view of Boylan, III et al. (Boylan), U.S. Patent No. 6,799,326.

As for **claim 11**, the disclosure of Alexander is relied upon, as discussed above relative to claim 9. Alexander fails to disclose a viewer interaction with said IPG ad causes a related linked programming ad to be subsequently displayed.

However, Boylan, in an analogous art, teaches interactive IPG ads wherein the user selects a first (global) IPG advertisement and a second (local) ad, related and linked to the first ad, is subsequently displayed (Fig. 13; col. 7, line 65 – col. 8, line 56, disclosing global and local advertisement data; col. 9, line

62 – col. 10, line 19, describing presentation of local advertisement subsequent to selection of global ad (i.e., local ad is related and linked to the selected global ad) for the benefit of providing additional local advertising information tailored to the particular region of the viewer (see col. 8, lines 4-7).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the interactive IPG advertisements of Alexander to incorporate a viewer interaction with said IPG ad causes a related linked programming ad to be subsequently displayed, as taught by Boylan, for the benefit of providing additional local advertising information tailored to the particular region of the viewer.

11. **Claims 13-14 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Picco et al. (Picco), U.S. Patent 6,029,045 in view of Alexander et al. (Alexander), U.S. Patent No. 6,177,931.

As for **claim 13**, Picco discloses a method for managing the scheduling, delivery and presentations, to television viewers, of programming ads comprising generating a presentation schedule of programming ads (i.e., display of received advertisements and display according to utilization directives; col. 6, line 57 – col. 7, line 12, describing local content transmitted from uplink facility to user premises, wherein the local content includes content profile data comprising utilization directives (presentation schedule information, such as which channel

to insert and at which times); col. 9, line 61 – col. 10, line 33 describing presentation of locally stored ads according to content profile data; Fig. 10 and col. 13, line 66 – col. 14, line 16, detailing advertisement insertion procedure according to content profile data).

Picco, though, fails to disclose linking at least one IPG ad with at least one programming ad to form at least one IPG-programming ad combination and the presentation schedule generated such that the display of at least one IPG ad member of said combination is presented when the IPG is invoked, immediately prior to or immediately subsequent to the display of at least one programming ad member of said combination, as claimed.

However, Alexander, in an analogous art, teaches IPG-programming ad combinations wherein IPG ads are linked to corresponding programming ads wherein the display of linked IPG ad is presented in the IPG when the IPG is invoked immediately subsequent to the display of the corresponding programming ad (col. 26, line 61 – col. 27, line 2, describing display of EPG advertisement correlated to broadcast ad displayed prior to entering EPG) for the benefit of enhancing the effectiveness of programming guide advertising by correlating IPG ads to the particular broadcast advertisement displayed (see col. 26, lines 61-64).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify advertisement insertion system of Picco to incorporate linking at least one IPG ad with at least one programming ad

to form at least one IPG-programming ad combination and the presentation schedule of said IPG-programming ad combination such that the display of at least one IPG ad member of said combination is presented in the IPG, when the IPG is invoked, immediately subsequent to the display of at least one programming ad member of said combination, as taught by Alexander, for the benefit of enhancing the effectiveness of programming guide advertising by correlating IPG ads to the particular broadcast advertisement displayed in a television advertising system.

The limitation of **claim 14** is encompassed by the teachings of Picco in view of Alexander, as discussed above. Specifically, Picco discloses delivery and display of programming advertisements according to a presentation schedule (Fig. 10 and col. 13, line 66 – col. 14, line 16, detailing advertisement insertion procedure according to content profile data). Alexander teaches IPG-programming ad combinations displayed according to a schedule (col. 26, line 61 – col. 27, line 2, describing display of related IPG ad when IPG invoked during display of corresponding programming ad).

The limitation of **claim 18** is encompassed by the teachings of Picco in view of Alexander, as discussed above relative to claim 13. Specifically, Picco discloses said schedule is created at the subscriber's premises (Fig. 10 and col.

13, line 66 – col. 14, line 16, where subscriber set-top box determines when local content is displayed according to content profile data).

12. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over Picco et al. (Picco), U.S. Patent 6,029,045 in view of Alexander et al. (Alexander), U.S. Patent No. 6,177,931, as applied to claim 13, further in view of Hendricks et al. (Hendricks), U.S. Patent No. 6,738,978.

As for **claim 15**, the teachings of Picco in view of Alexander are relied upon as discussed above. Picco in view of Alexander fails to disclose forming at least one subscriber group comprising at least one subscriber; and assigning at least one of said IPG programming ad combinations to said group, as claimed.

However, Hendricks, in an analogous art, teaches targeted advertising wherein programming ads are targeted ads, and further, the targeted advertising routine incorporates subscriber groups with selected targeted advertisements assigned to groups of subscribers (Fig. 17; col. 35, line 65 – col. 36, line 28; col. 37, line 1 – col. 38, line 55) for the benefit of utilizing viewer demographic information and viewing habits to determine those advertisements that are of the most interest to particular viewers (see col. 4, lines 48-51 and col. 5, lines 30-35).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the IPG-programming ad system of Picco in view of Alexander to incorporate forming at least one subscriber group

comprising at least one subscriber; and assigning at least one of said IPG-programming ad combinations to said group, as taught by Hendricks, for the benefit of utilizing viewer demographic information and viewing habits to determine those advertisements that are of most interest to particular viewers in a television advertising system.

13. **Claim 16** is rejected under 35 U.S.C. 103(a) as being unpatentable over Picco et al. (Picco), U.S. Patent 6,029,045 in view of Alexander et al. (Alexander), U.S. Patent No. 6,177,931, as applied to claim 13, further in view of Doherty, U.S. Patent Publication No. US 2003/0200128 A1.

As for **claim 16**, the teachings of Picco in view of Alexander are relied upon as discussed above relative to 13. Picco in view of Alexander fails to disclose the generating presentation schedules may be dynamic and said schedules may be updated in real-time in response to channel changes, viewership changes or other events, as claimed.

However, Doherty, in an analogous art, teaches the generation of presentation schedules wherein the presentation schedules are dynamically updated in real-time in response to detection of a change in the user of the system (e.g., viewership change; paragraphs 29-32, describing display of advertisements according to a schedule, comprising clearing and rescheduling advertisements in response to determination of a change in users; paragraphs

40-48, describing determination of ad display schedule) for the benefit of improving the scheduling of advertisements by selecting advertisements according to which ad would get the most value out of being scheduled at a particular time (see paragraph 25).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the generation of presentation schedules of Picco in view of Alexander to incorporate said generating of presentation schedules may be dynamic and said schedules may be updated in real-time in response to viewership changes, as taught by Doherty, for the benefit of improving the scheduling of advertisements by selecting advertisements according to which ad would get the most value out of being scheduled at a particular time in a television advertising system.

14. **Claim 17** is rejected under 35 U.S.C. 103(a) as being unpatentable over Picco et al. (Picco), U.S. Patent 6,029,045 in view of Alexander et al. (Alexander), U.S. Patent No. 6,177,931, as applied to claim 13, further in view Allen et al. (Allen), U.S. Patent No. 5,892,535.

As for **claim 17**, the teachings of Picco in view of Alexander are relied upon as discussed above relative to claim 13. Alexander in view of Picco fails to disclose said schedule is generated upstream from subscriber's premises, as claimed.

However, Allen, in an analogous art, teaches advertisement presentation schedule generation wherein the schedule is created upstream from the subscriber's premises (Fig. 3; col. 18, lines 23-59; col. 31, lines 37-43; Fig. 15 and col. 33, line 30 – col. 34, line 17, describing insertion of selected advertisements occurring at the headend according to a schedule).

Advertisement insertion where the ad selection and timing (i.e., scheduling) occurs upstream (i.e., at a headend) provides the typical and well-known benefit of reducing the complexity (e.g., cost) required in client terminals by performing program substitution at a central facility.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the schedule of Picco in view of Alexander to incorporate said schedule is created upstream from the subscriber's premises, as taught by Allen, for the benefit of reducing the complexity (e.g., cost) required in client terminals by performing program substitution at a central facility in a television advertising system.

15. **Claims 20 and 26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (Alexander), U.S. Patent No. 6,177,931 in view of Picco et al. (Picco), U.S. Patent 6,029,045.

As for **claim 20**, the disclosure of Alexander is relied upon as discussed above relative to claim 19. Although Alexander discloses the coordinated display

of linked IPG and programming ads, Alexander fails to disclose the scheduling module for generating one or more schedules for link ads and wherein said display of the linked ads proceeds according to said schedule, as claimed.

However, Picco, in an analogous art, teaches a scheduling module (e.g., inserting local advertisements according to schedule data) to generate a schedule for the display of stored advertisements (i.e., display of received advertisements and display according to utilization directives; col. 6, line 57 – col. 7, line 12, describing local content transmitted from uplink facility to user premises, wherein the local content includes content profile data comprising utilization directives (presentation schedule information, such as which channel to insert and at which times); col. 9, line 61 – col. 10, line 33 describing presentation of locally stored ads according to content profile data; Fig. 10 and col. 13, line 66 – col. 14, line 16, detailing advertisement insertion procedure according to content profile data) for the benefit of inserting advertisements locally according to individualized instructions regarding when each piece of local content should be inserted (see col. 3, lines 1-8).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the IPG-programming ad display of Alexander to incorporate a scheduling module for generating one or more schedules for the coordinating display of said linked IPG and programming ads and wherein said display of the linked ads proceeds according to said schedule, as taught by Picco, for the benefit of inserting advertisements locally according to

individualized instructions regarding when each piece of local content should be inserted in a television advertising system.

Claim 26 is rejected for the same rationale as Claim 20, above.

16. **Claim 22** is rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (Alexander), U.S. Patent No. 6,177,931 in view of Picco et al. (Picco), U.S. Patent 6,029,045, as applied to claim 20, further in view of Doherty, U.S. Patent Publication No. US 2003/0200128 A1.

As for **claim 22**, the teachings of Alexander in view of Picco are relied upon as discussed above relative to claim 20. Alexander in view of Picco fails to disclose the scheduling module may create schedules in real-time in response to channel changes, viewership changes or other events, as claimed.

However, Doherty, in an analogous art, teaches the generation of presentation schedules wherein the presentation schedules are dynamically updated in real-time in response to detection of a change in the user of the system (e.g., viewership change; paragraphs 29-32, describing display of advertisements according to a schedule, comprising clearing and rescheduling advertisements in response to determination of a change in users; paragraphs 40-48, describing determination of ad display schedule) for the benefit of improving the scheduling of advertisements by selecting advertisements

according to which ad would get the most value out of being scheduled at a particular time (see paragraph 25).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the generation of presentation schedules of Alexander in view of Picco to incorporate said generating of presentation schedules may be dynamic and said schedules may be updated in real-time in response to viewership changes, as taught by Doherty, for the benefit of improving the scheduling of advertisements by selecting advertisements according to which ad would get the most value out of being scheduled at a particular time in a television advertising system.

17. **Claim 27** is rejected under 35 U.S.C. 103(a) as being unpatentable over Alexander et al. (Alexander), U.S. Patent No. 6,177,931 in view of Picco et al. (Picco), U.S. Patent 6,029,045, as applied to claim 26, further in view of Hendricks et al. (Hendricks), U.S. Patent No. 6,738,978.

As for **claim 27**, the teachings of Alexander in view of Picco are relied upon as discussed above relative to claim 26. Picco in view of Alexander fails to disclose at least one of said IPG ad and said programming ad is a targeted ad, as claimed.

However, Hendricks, in an analogous art, teaches targeted advertising wherein programming ads are targeted ads (Fig. 17; col. 35, line 65 – col. 36, line

28; col. 37, line 1 – col. 38, line 55) for the benefit of utilizing viewer demographic information and viewing habits to determine those advertisements that are of the most interest to particular viewers (see col. 4, lines 48-51 and col. 5, lines 30-35).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the IPG-programming ad combination of Alexander to incorporate at the programming ads are targeted ads, as taught by Hendricks for the benefit of utilizing viewer demographic information and viewer habits to determine those advertisements that are of the most interest to particular viewers in a television advertising system.

Conclusion

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kitsukawa et al. (Kitsukawa), U.S. Patent No. 6,282,713 discloses a television advertising system which receives advertisement information along with broadcast programming, and further, alerts the user of the availability of advertising information for an item displayed in a scene of the television program broadcast (abstract; col. 6, line 40 – col. 9, line 33).

Berezowski et al. (Berezowski), U.S. Patent No. 6,075,551 discloses an electronic program guide system incorporating a local promotion unit for locally

inserting advertisements according to a schedule of insertion opportunities (abstract; Figs. 3 and 5-6; col. 6, lines 17-58; col. 7, line 53 – col. 8, line 6).

Swix et al. (Swix), U.S. Patent No. 6,718,551 discloses a method for providing targeted advertisements based upon a user's viewing habits and account information wherein a headend chooses advertisements according to the user profile data to dynamically build a playlist of ads (abstract; col. 11, line 58 – col. 13, line 9; col. 9, lines 17-54; Fig. 4).

Macrae et al. (Macrae), U.S. Patent No. 6,745,391 discloses a electronic program guide wherein the EPG images are generated either remotely or locally and incorporate advertisements which are linked to shows displayed in the EPG (abstract; col. 8, lines 53-64; col. 5, lines 19-24; Fig. 3 col. 11, line 44 – col. 12, line 58).

Knee et al., (Knee), WIPO Publication No. WO 99/60789 discloses an interactive programming guide with targeted EPG ads, wherein the advertisements have preselected values for specific demographic categories (abstract; page 4, lines 18-30; page 8, line 3 – page 19, line 8; Figs. 2 and 5).

Orlick, WIPO Publication No. 99/29109 discloses an electronic program guide system which displays pop-up messages, wherein the pop-up messages

may be displayed simultaneously with the currently viewed television program and may be used to reinforce the advertising message displayed during commercial breaks (abstract; page 12, line 20 – page 14, line 36).

Guyot et al. (Guyot), U.S. Patent No. 6,119,098 discloses a system for displaying targeted advertisements over a distributed information network comprising an queue of advertisements utilized to manage the selection and presentation of advertisements (abstract; col. 4, line 28 – col. 5, line 27; Fig. 5, col. 6, line 64 – col. 9, line 37).

Wilkins, U.S. Patent No. 5,446,919 discloses an advertisement insertion system for providing targeted advertisements to members of a psychographically defined audience comprising transmitting advertisements with selection profile data to specify which audience members are to receive each media message (abstract; col. 7, line 65 – col. 10, line 11; col. 11, line 18 – col. 14, line 68).

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Examiner
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